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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,171	04/09/2001	George M. Brookner	770P009600-US(PAR)	9225

2512 7590 02/04/2005

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

BASS, JON M

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,171	BROOKNER ET AL.	
	Examiner	Art Unit	
	Jon Bass	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/09/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Method of Postal Metering Licensing.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-5 and 15-23 are rejected under 35 U.S.C. 102(e)** as being anticipated by Felix Bator et al. (US Patent No) hereinafter referred to as Bator.

As for Claim 1:

Bator discloses a method for operating a device for the secure storage of funds comprising: [col.10, lines 7-9, process the meter to transfer funds to meter account] interfacing said device with a system; [fig1,element 10,32,and 34; network service(10) connected to communication server(32) and data base (36) and management system(38)] transmitting from said device to the system a present location of said device; [col.5, lines 35-39; postage transaction by communication between data center] comparing in a database associated with said

system the present location of said device with a previously stored location; [col.4, lines 48-50; all metering and accounting of funds in database] and transmitting to said device from said system an authorization to utilize said funds only if the present location is within a predetermined region associated with said previously stored location.

As for Claim 2:

Bator discloses a method wherein said authorization is transmitted only if the present location matches the previously stored location [col.5, lines 47-50; postage evidencing and verification for security of records stored].

As for Claim 3:

Bator discloses a method wherein said device is licensed for use at said previously stored location, and if the comparing indicates that the device is not in the predetermined region, the system issues a new license for a region associated with the present location of said device [col.4, lines 27-30; obtain a meter licensing for account process assigning license].

As for Claim 4:

Bator discloses a method further comprising communicating from the system to the device, data associated with the present location [col.5, lines 35-39; communication between PC and data center].

As for Claim 5:

Bator discloses a method wherein said device is a postal security device and said data includes at least one of zip code, city and state information [col.3, lines 38-45; receives meter account of amount by zip codes].

As for Claim 15:

Bator discloses a method wherein said device is a postal security device [col.5, lines 47-50; verification for security device].

As for Claim 16:

Bator discloses a method for the secure storage of funds comprising: a memory for storing value of said funds [col.5, lines 57-60, tamper device that has stored memory]; apparatus associated with said device for determining a location of said device [col.5, lines 60-63, using keys to secure boundaries of devices]; and a communication port for providing communication between said device and a system, said device communicating said location to said system via said port [col.5, lines 35-37, establishing communications between PC and data center].

As for Claim 17:

Bator discloses a method further comprising apparatus for receiving from said system an authorization to access said funds, if said location is within a predetermined region [col.5, lines 47-50, evidencing and verification for security of records stored].

As for Claim 18:

Bator discloses a method wherein said apparatus provides access to said funds if said location corresponds to a predetermined location [col.5, lines 47-50; verification for security device].

As for Claim 19:

Bator discloses a method further comprising apparatus for encrypting and digitally signing, or digitally signing said communication [col.5, lines 57-60, memory that stores encryption and performs operations with device].

As for Claim 20:

Bator discloses a method for securely dispensing funds comprising: a device for the secure storage of funds, including: a memory for storing value of said funds [col.5, lines 47-50, evidencing for security device], apparatus associated with said device for determining a location of said device; a communication port for providing communication between said device and a system, said device communicating said location to said system via said port [col.5, lines 35-39, communication between PC and data center]; the system having a database for storing, for each device, a predetermined location [fig1, element 36; database server]; and apparatus in said system for providing an authorization to said device to dispense funds only if said present location is within a region associated with said predetermined location [col.5, lines 47-50; evidencing and verification for security].

As for Claim 21:

Bator discloses a method wherein said apparatus provides said authorization only if said present location matches said previously stored location [col.5, lines 47-50; postage evidencing and verification for security of records stored].

As for Claim 22:

Bator discloses a method wherein cryptographic key management supports secure communication with the device [col.5, lines 47-52, cryptographic keys are use for verification of the keys management system].

As for Claim 23:

Bator discloses a method for the secure storage of funds comprising: a memory for storing value of said funds [col.5, lines 47-50, evidencing for security device]; a communication port for providing communication with a with a host for said device [col.5, lines 35-39, communication between PC and data center]; apparatus for preventing operation of said device or said host if said device does not receive a predetermined digital coded sequence from said host or said host does not receive a predetermined digital coded sequence from said device.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6-14 are directed to "transmitting contact to a device made by a telephone". However the direction that the body of the claim recites is the "method in which a license is obtain to secure funds". Therefore, it's not clear to one skilled in the art to be able to gain a clear and precise focus of the invention described based on the information provided from the Applicant's claims.

Conclusion


The prior art that was cited hasn't been used in conducting a decision but has been considered pertinent to the applicant's disclosure.

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at (703) 305-0383 between the hours of 9-6pm Monday through Friday. The fax number where the application is being process is (703) 872-9306.

If for any reason the examiner is unavailable, the immediate supervisor, **John Weiss** can be reached at (703) 308-2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/O Technology Center 3600
Washington, D.C. 20231


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

J.B.